

Robert H. Robinson
4 Hillside Dr.
Wheat Ridge, CO 80215
December 10, 2013

Mr. Shaun McGrath, Administrator
US Environmental Protection Agency, Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

Dr. Larry Wolk, Executive Director and Chief Medical Officer
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Re: Animas Mining District, San Juan County, Colorado

Dear Sir:

In the early 1990s, the US Environmental Protection Agency (EPA) and Colorado Department of Public Health and Environment (CDPHE) began investigations on toxic mine effluents in the Animas Mining District in San Juan County, Colorado. Subsequently, the Animas River Stakeholders Group (ARSG) formed and undertook mine reclamation to improve water quality in the impacted Animas River. At that time, government regulatory processes were deferred (CDPHE & USEPA, 1996) in favor of the ARSG collaborative stakeholder approach to watershed cleanup. I represented the Bureau of Land Management in ARSG.

Although some tributaries of the upper Animas River are cleaner, the main stem of the river below Silverton is not meeting water quality standards and goals (ARSG 2011 & 2013). This deficiency, after twenty years of mine reclamation, is particularly disappointing. After all, of the world's various ecosystems, it is freshwater biomes that have suffered the greatest losses from human activities (Strayer & Dudgeon, 2010).

Just a few years ago, mine reclamation in the watershed was improving water quality in the river; however, now the contamination and impacts from the mines have become worse. Fish prey (macro invertebrates) peaked about ten years ago and have since declined (Anderson, 2010). Some fish populations have disappeared (McAllister & McBride, 2013). Water quality is impacted by toxic exceedances of copper, iron, and zinc, and low pH (ARSG 2011 & 2013).

The culprit seems to be the bulkheads placed in the American Tunnel to stop discharge of toxic water from the Sunnyside Mine. It appears that the bulkheads

backed up the mine water to discharge instead through permeable geologic structures to other neighboring mines and then out their portals. (McAllister & McBride, 2013)

After award-winning effort and dedication, ARSG has not brought the necessary resources to remedy the contaminated upper Animas River. The time has come for more aggressive cleanup action. As the responsible officials, I urge you both to bring the full force and resources of regulatory processes, particularly the Comprehensive Environmental Response and Liability Act (aka Superfund). Effective mine reclamation and/or water treatment should be put in place with definitive milestones so that the current situation does not continue indefinitely and certainly not another two decades.

The deferral of regulatory action mentioned above is important among some ARSG members. These members fear enforcement of environmental laws particularly Superfund. However, Superfund sites in the healthy communities of Leadville and Idaho Springs show that this fear is misplaced. Most importantly, aquatic resources have rebounded in streams below mine reclamation in those Superfund sites (Brinkman et al, 2006; CCWF, 2007; Woodling & Rollings, 2008). Probably only Kinross Gold, owners of the Sunnyside Mine, need be concerned about any cleanup liabilities. Kinross last year had nearly one billion dollars of annual net earnings. The cost of their possible cleanup liabilities would be trivial in comparison to those earnings.

I and the attached petitioners would greatly appreciate your leadership in restoring the health of the Animas River, and would appreciate the opportunity to meet with you and your staff on planning for the restoration. A favorable outcome will be a success for both your agencies in their responsibility to protect the public health and environment.

Sincerely yours,

(signed)

Robert H. Robinson

Cc: Animas River Stakeholders Group

Attachments: 1. References
2. Petition

REFERENCES

- Anderson, C. (2010). *Benthic macroinvertebrate data analysis for the Animas River Stakeholders Group*. B.U.G.S. Consulting, Dec. 7 2010, retrieved from <http://www.animasriverstakeholdersgroup.org/attachments/File/Animas%202010%20BMI%20Data%20Analysis.pdf>, Oct. 30, 2013
- Animas River Stakeholders Group (2013). *Summary of meeting water quality standards or goals set in 2001*. Received from Peter Butler, Co-Coordinator, <http://www.animasriverstakeholdersgroup.org/page1.php>, Oct. 30, 2013.
- Animas River Stakeholders Group (2011). *Upper Animas River water quality data A72, A68, CC48, MC43*. Received from Peter Butler, Co-Coordinator, <http://www.animasriverstakeholdersgroup.org/page1.php>, Oct. 30, 2013.
- Brinkman, S. F., P. H. Davies, D. Hansen, N. Vieira (2006). *Arkansas River research study, final report*. Colorado Division of Wildlife, Denver, CO, April 2006, 153 pp.
- Brinkman, S. F. (2012). *Arkansas River 2012*. Colorado Parks & Wildlife, 317 W. Prospect Rd., Ft. Collins CO 80526.
- Clear Creek Watershed Foundation (2007). *2007 Clear Creek watershed report, exploring watershed sustainability*. Clear Creek Watershed Foundation, 2060 Miner Street • P. O. Box 1963, Idaho Springs, CO 80452, www.clearcreekwater.org, Nov. 19, 2007, 103 pp.
- Colorado Department of Public Health and Environment, US Environmental Protection Agency (1996). *Area-wide deferral agreement, upper Animas mining district (draft)*. Received from Peter Butler, Co-Coordinator, <http://www.animasriverstakeholdersgroup.org/page1.php>, Oct. 30, 2013.
- McAllister, C. & J. McBride (2013). Superfund a dirty word to some in Silverton. *The Durango Herald*, Durango, CO, Aug. 3-5, 2013.
- Strayer, D. L. & D. Dudgeon (2010). Freshwater biodiversity conservation: recent progress and future challenges. *J. N. Am. Benthological Soc.*, 2010, 29(1): 344–358.
- Woodling, J.D. & A. Rollings (2008). *Clear Creek biological monitoring program, October 1995 through September 2006*. Colorado Department of Public Health and the Environment, Hazardous Material and Waste Management Division, Denver, CO, Mar. 2008, 96 pp.


PETITION
Remediation of the Animas Mining District, San Juan County, Colorado

Toxic discharges from mines in the Animas Mining District cause water concentrations of pollutants to exceed standards in the upper Animas River. The pollutants are seriously impacting aquatic life, and water quality goals for the river are not being met. Some mine remediation has occurred in the last two decades; however, the remediation is insufficient to meet the water quality standards and goals. The undersigned petition the U.S. Environmental Protection Agency and Colorado Department of Public Health & Environment to undertake more effective action in restoring the health of the Animas River.

SIGNATURE	NAME	ADDRESS OR EMAIL	CITY, STATE	DATE
	Michael Capozzella	5190 Clay St., Denver CO	Denver, CO	12/6/13
	Erin Hornith		Denver, CO	12/06
	Haley Kline	hkline@msudenver.edu	Denver, CO	06 DEC 2013
	Jesse Newland	jnewland2@msudenver.edu		
	Keneshia Turner	kturne28@msudenver.edu		12/06
	Erica Prather	ericaprather@gmail.com	Denver CO	12/06
	Swera Bazzak	sbazzak@msudenver.edu		12/6/13
	Brett Miller	Bmill101@msudenver.edu	Denver CO	12-06-13
	Anna R. Dewey	adewey3@msudenver.edu		
	Krista Vohs	kvohs424@yahoo.com	Denver, CO	
	Danielle Lebeck	dlebeck8@gmail.com		12/6/13
	Dana Henze	dhenze18@gmail.com	Denver CO	12/6/13
	Ted Heron	theron1@msudenver.edu		
	Kendra Eucker	keucker@msudenver.edu		12/6/13

Remediation of the Animas Mining District, San Juan County, Colorado

Toxic discharges from mines in the Animas Mining District cause water concentrations of pollutants to exceed standards in the upper Animas River. The pollutants are seriously impacting aquatic life, and water quality goals for the river are not being met. Some mine remediation has occurred in the last two decades; however, the remediation is insufficient to meet the water quality standards and goals. The undersigned petition the U.S. Environmental Protection Agency and Colorado Department of Public Health & Environment to undertake more effective action in restoring the health of the Animas River.

SIGNATURE	NAME	ADDRESS OR EMAIL	CITY, STATE	DATE
	Alison Malley	59345 Valduin Way	Aurora CO	12/6/13